

**QUINN EMANUEL URQUHART & SULLIVAN, LLP**

Diane M. Doolittle (CA Bar No. 142046)  
dianedoolittle@quinnemanuel.com  
Sara Jenkins (CA Bar No. 230097)  
sarajenkins@quinnemanuel.com  
555 Twin Dolphin Drive, 5th Floor  
Redwood Shores, CA 94065  
Telephone: (650) 801-5000  
Facsimile: (650) 801-5100

Andrew H. Schapiro (admitted *pro hac vice*)  
andrewschapiro@quinnemanuel.com  
Teuta Fani (admitted *pro hac vice*)  
teutafani@quinnemanuel.com  
191 N. Wacker Drive, Suite 2700  
Chicago, IL 60606  
Telephone: (312) 705-7400  
Facsimile: (312) 705-7401

Stephen A. Broome (CA Bar No. 314605)  
stephenbroome@quinnemanuel.com  
Viola Trebicka (CA Bar No. 269526)  
violatrebicka@quinnemanuel.com  
Crystal Nix-Hines (CA Bar No. 326971)  
crystalnixhines@quinnemanuel.com  
Alyssa G. Olson (CA Bar No. 305705)  
alyolson@quinnemanuel.com  
865 S. Figueroa Street, 10th Floor  
Los Angeles, CA 90017  
Telephone: (213) 443-3000  
Facsimile: (213) 443-3100

Josef Ansorge (admitted *pro hac vice*)  
josefansorge@quinnemanuel.com  
Xi ("Tracy") Gao (CA Bar No. 326266)  
tracygao@quinnemanuel.com  
Carl Spilly (admitted *pro hac vice*)  
carlspilly@quinnemanuel.com  
1300 I Street NW, Suite 900  
Washington D.C., 20005  
Telephone: (202) 538-8000  
Facsimile: (202) 538-8100

Jomaire Crawford (admitted *pro hac vice*)  
jomairecrawford@quinnemanuel.com  
51 Madison Avenue, 22nd Floor  
New York, NY 10010  
Telephone: (212) 849-7000  
Facsimile: (212) 849-7100

Jonathan Tse (CA Bar No. 305468)  
jonathantse@quinnemanuel.com  
50 California Street, 22nd Floor  
San Francisco, CA 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700

*Counsel for Defendant Google LLC*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CHASOM BROWN, *et al.*, individually and  
on behalf of themselves and all others  
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**DECLARATION OF JONATHAN TSE IN  
SUPPORT OF ADMINISTRATIVE  
MOTION TO SEAL PORTIONS OF  
PLAINTIFFS' REPLY IN SUPPORT OF  
MOTION FOR CLASS CERTIFICATION  
AND APPOINTMENT OF CLASS  
REPRESENTATIVES AND CLASS  
COUNSEL (DKT. 609)**

Judge: Hon. Yvonne Gonzalez Rogers

1 I, Jonathan Tse, declare as follows:

2 1. I am a member of the bar of the State of California and an attorney at Quinn Emanuel  
3 Urquhart & Sullivan, LLP, attorneys for Defendant Google LLC (“Google”) in this action. I make  
4 this declaration of my own personal, firsthand knowledge, and if called and sworn as a witness, I  
5 could and would testify competently thereto.

6 2. I am making this declaration pursuant to Civil Local Rule 79-5(e)-(f) as an attorney  
7 for Google as the Designating Party, pursuant to Civil Local Rule 79-5(f)(3) in response to Dkt.  
8 712.

9 3. On August 26, 2022, Plaintiffs filed their Administrative Motion to Consider  
10 Whether Google’s Materials Should Be Sealed regarding Plaintiffs’ Reply In Support Of Motion  
11 for Class Certification and Appointment of Class Representatives and Class Counsel (Dkt. 609). On  
12 August 26, 2022, I received an unredacted service copy of these documents.

13 4. The common law right of public access to judicial proceedings is not a constitutional  
14 right and it is “not absolute.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978); *Crowe v.*  
15 *Cty. of San Diego*, 210 F. Supp. 2d 1189, 1194 (S.D. Cal. 2002) (“[T]here is no right of access which  
16 attaches to all judicial proceedings.” (internal citations omitted)). In the context of dispositive  
17 motions, materials may be sealed in the Ninth Circuit upon a showing that there are “compelling  
18 reasons” to seal the information. *See Kamakana v. City & Cty. Of Honolulu*, 447 F.3d 1172, 1179-  
19 80 (9th Cir. 2006). However, a party seeking to seal information in a non-dispositive motion must  
20 show only “good cause.” *Id.* at 1179-80. Courts in this District have held that motions to exclude  
21 the testimony of experts are non-dispositive. *TVIIM, LLC v. McAfee, Inc.*, 2015 WL 3623656, at \*4  
22 (N.D. Cal. June 10, 2015) (“Because Plaintiff’s motion to exclude testimony is not  
23 a dispositive motion, the Court applies the “good cause” standard.”). Such sealing is appropriate  
24 when the information at issue constitutes “competitively sensitive information,” such as  
25 “confidential research, development, or commercial information.” *France Telecom S.A. v. Marvell*  
26 *Semiconductor Inc.*, 2014 WL 4965995, at \*4 (N.D. Cal. Oct. 3, 2014); *see also Phillips v. Gen.*  
27 *Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (acknowledging courts’ “broad latitude” to  
28 “prevent disclosure of materials for many types of information, including, but not limited to, trade

secrets or other confidential research, development, or commercial information”); *Standard & Poor’s Corp. Inc. v. Commodity Exch., Inc.*, 541 F. Supp. 1273, 1275 (S.D.N.Y. 1982) (“[T]he overriding interest to be found in business confidences . . . require[s] . . . temporary reasonably restricted access to the Courtroom of members of the public.”).

5. I have reviewed the documents that Plaintiffs seek to file under seal pursuant to Civil Local Rule 79-5(f). Based on my review, there is good cause to seal the following information:

Document(s) to be Sealed	Basis for Sealing
Plaintiffs’ Reply In Support Of Motion for Class Certification and Appointment of Class Representatives and Class Counsel (Dkt. 609)  Pages 7:27, 8:12-13, 12:2  Google joins Plaintiffs’ motion to seal in PART with respect to this document.	The information requested to be sealed contains Google’s highly confidential and proprietary information regarding highly sensitive features of Google’s internal systems and operations, including various types of Google’s internal projects and logs, and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. Such confidential and proprietary information reveals Google’s internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google’s competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google’s internal practices relating to competing products.
Exhibit 92 to Mao Declaration - 6/30/22 Borsay Depo Transcript, Vol 2 (full)  Pages 205:23-25, 207:18-19, 295:11-15, 295:17-20, 295:25-296:3, 296:16-21, 312:21, 312:23, 313:7-9, 313:20-22, 314:1-4, 314:8-11, 314:20-23, 315:22-23, 316:7-8, 316:16-17, 316:20-21, 316:23, 317:6-8, 317:12-14, 317:24-318:1, 318:11-13, 318:19-20, 319:9-11, 319:22-24, 320:7-8, 320:11-12, 324:16, 324:21-22, 325:7-8, 325:18, 325:20-22	The information requested to be sealed contains Google’s highly confidential and proprietary information regarding highly sensitive features of Google’s internal systems and operations, including various types of Google’s internal projects, and their proprietary functionalities, as well as discussions of internal proposals, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. Such confidential and proprietary information reveals Google’s internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google’s competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an

1	Google joins Plaintiffs' motion to seal in PART with respect to this document.	increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
2		
3	Exhibit 93 to Mao Declaration - 8/22/22 Zervas Depo Transcript, Vol 1 (full)	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects, data signals, and logs, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
4		
5	Pages 6:24, 62:11, 62:16, 127:21, 128:5, 128:11-12, 128:14-17, 128:21-22, 129:18, 134:22, 180:22-23, 180:25-181:1, 181:3, 181:7, 181:13, 181:18, 181:22, Word Index Pages: 4, 6, 22, 25	
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7	Google joins Plaintiffs' motion to seal in PART with respect to this document.	
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14	Exhibit 95 to Mao Declaration - 8/16/22 Amir Depo Transcript (full)	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects, surveys, and studies, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
15		
16	Pages 99:8-13, 181:24-25, 182:12-13, 183:3, 183:12, 184:18-24, 185:11-13, 186:19-24, 188:4-8, 188:12-16, 190:22, 191:1-4, 191:6-8, 191:10, 191:19-20, 191:24, 192:1-3, 192:5-9, 202:21-24, 204:3-6, 208:16-17, 208:25-209:2, 209:6-7, 210:24-25, 212:12-13, 212:20-22, 213:9-10, 213:23, 214:3-4, 214:11-12, 214:18-20, 239:23, 241:13-14, 241:17, 242:9, 242:14, 264:25-265:4, 266:22, 266:25-267:1, 267:9-13, 267:15, 267:18-19, 267:22-23, 268:1-2, 268:8, 268:13-14, 268:25-269:1, 269:4, 269:6-7, 269:15, 269:18, 269:21, 270:3-4, 270:10-11, 270:22-23, 271:4-8, 272:12, 273:22-23, 274:4-7, 274:9-11, 274:20-21, 275:14-16, 275:19-21, 275:24-25,	
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1	288:21, 289:19, 290:8-10, 290:19,	
2	290:21, 291:3-4, 291:9-10, 290:14,	
3	290:19, 293:24, 299:22-300:3,	
4	301:17-19, 302:1-3	
5	Google joins Plaintiffs' motion to	
6	seal in PART with respect to this	
7	document.	
8	Exhibit 97 to Mao Declaration -	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including Google's internal studies regarding user attributes, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
9	GOOG-BRWN-00856578	
10	Seal Entirely	
11	Google joins Plaintiffs' motion to	
12	seal in FULL with respect to this	
13	document.	
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16		
17	Exhibit 98 to Mao Declaration -	
18	8/19/22 Psounis Depo Transcript	
19	(full)	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects, data signals, and logs, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
20	Pages 59:17, 59:21, 59:25, 60:7,	
21	60:14, 60:19, 61:5, 61:17, 63:4-5,	
22	134:22-23, 135:19, 135:21,	
23	135:23, 135:25, 136:9, 157:15,	
24	157:23-158:1, 158:3, 158:11,	
25	158:18, 158:23, 159:23-24,	
26	161:18-19, 161:21-23, 162:18,	
27	166:10, 166:22, 167:10, 167:18,	
28	213:14-15, 216:4, 216:8-9, Index	
	pgs. 20, 21, 51, 52	
	Google joins Plaintiffs' motion to	
	seal in PART with respect to this	
	document.	

7. Google does not seek to redact or file under seal any of the remaining portions of documents not indicated in the table above.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed in San Francisco, California on September 16, 2022.

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5 Case No. 4:20-cv-03664-YGR-SVK  
TSE DECLARATION ISO ADMINISTRATIVE MOTION TO SEAL